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2009 JUL 28 PM 4:20

PTO/SB/86 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

SK-3

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Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

AUG 05 2009

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
(571) 272-3282.Patent Number: 8,858,241Application Number: 09/912,219Issue Date: 2/22/05Filing Date: 7/25/01CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent
number (or reissue patent number, if a reissue) and (2) the application number of the actual
U.S. application (or reissue application) leading to issuance of that patent to ensure that the
is/are associated with the correct patent. 37 CFR 1.368(c) and 1.607(c) DALLAN 0808000 6858241

01 FC:1599

700.00 07

Also complete the following information, if applicable:

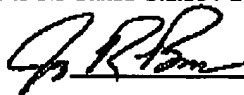
The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____;
original application number _____
original filing date _____☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of International application
_____ filed on _____**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class
mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 OR(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-
8300.7/27/09

Date



/Jay R Beyer/

Signature

Jay R Beyer

Typed or printed name of person signing Certificate

(Page 1 of 4)

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 27 2009

PTO/83/66 (03-09)

Approved for use through 03/31/2012. OMB 0851-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ Paid 3/3/09

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 19-1685 (order)

PTO/SB/65 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

Credit to Deposit Account No. 19-1685 (order SK-3)

OR



Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/Jay R Beyer/ 

Signature(s) of Petitioner(s)

7/27/09

Date

Jay R Beyer

Typed or printed name(s)

38,907

Registration Number, if applicable

993 Gapter Road

Address

303-499-3858

Telephone Number

Boulder, Colorado 80303

Address

ENCLOSURES:



Maintenance Fee Payment



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.201(1) (fee for filing the maintenance fee petition)



Other:

PTO/SB/05 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.37B(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/Jay R Beyer/

Signature

7/27/09

Date

Jay R Beyer

Type or printed name

39,907

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See Following Page 5 and attachments.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

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AUG 05 2009

STATEMENT Continued

OFFICE OF PETITIONS

Submitted herewith in support of the present Petition is a copy of a Petition that was filed 3/3/09 and entered into the PAIR system on 3/11/09 as a Miscellaneous Incoming Letter. The petition included:

- 1) PTO form SB-45 (Maintenance Fee Transmittal) that was originally submitted 2/17/09,
- 2) Small Entity Assertion originally submitted 2/17/09, and
- 3) Copy of the envelope in which items 1 and 2 were originally submitted on 2/17/09.

As indicated by the copies of the above mentioned documents, the Small Entity Assertion, Maintenance Fee and Surcharge of \$65 for Patent Number 6,858,241 were originally filed on February 17, 2008 which was prior to the due date for the maintenance fee and \$65 surcharge. However, as indicated on the copy of the envelope in which the documents were submitted, these documents were accidentally submitted to an old PTO address that is no longer correct and these documents were therefore returned to sender as also indicated on the copy of the envelope in which the documents were submitted. As soon as this error was discovered, the attached originally submitted Petition to Accept Delayed Payment of Maintenance Fee Under 37 CFR 1.378 was filed.

As indicated by the stamp at the top right corner of this Petition, this Petition was received in the Patent Office on March 6, 2009 and received in the Office of Petitions on March 11, 2009. As indicated by the stamp at the bottom left corner of this Petition, the maintenance fee of \$490 was paid.

On July 27, 2009, I called the Petitions Branch to check the status of the originally submitted Petition since it had been pending for several months. The person I spoke with indicated that the Petition was not pending and a new petition should be submitted. For this reason, the present Petition is being submitted.

For the above stated reasons, it is submitted that reasonable care has been taken to ensure that the maintenance fee would be paid timely and that the originally submitted petition and the present petition were all filed promptly.

If any further information is required for this Petition, please contact Jay R Beyer at 303) 499-3859.

Respectfully submitted,

/Jay R Beyer/

Jay R Beyer

Reg. No. 39,907

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JUL 27 2009

FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re the application of

Kershman et al

Serial No: 09/912,219

Patent No. 6,858,241

Filed: July 25, 2001

For: FARINACEOUS SURFACE PRODUCT THAT IS
TOASTER REHEATABLE AND METHOD

Examiner: Thuy Tran Lien 2009 MAR -6 PM 4:28

Art Unit: 1761

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MAR 11 2009

Attorney Docket: SK-3

OFFICE OF PETITIONS

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Director of USPTO, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, Virginia 22314 on March 3, 2009.

Signed:



Jay R Beyer

PETITION TO ACCEPT DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. 51.378

Director of USPTO
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, Virginia 22314

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AUG 05 2009

Sir:

OFFICE OF PETITIONS

Applicants submit herewith the following documents in support of this petition:

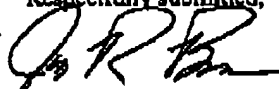
- 1) PTO form SB-45 (Maintenance Fee Transmittal) in duplicate that was submitted 2/17/09
- 2) Small Entity Assertion submitted 2/17/09,
- 3) Copy of the envelope in which items 1 and 2 were submitted on 2/17/09,
- 4) PTO-2038 Credit card Payment Form, and
- 4) Return Postcard.

As indicated by copies of the enclosed documents, the Small Entity Assertion, Maintenance Fee and Surcharge for Patent Number 6,858,241 were filed on February 17, 2008 which was prior to the due date for the maintenance fee and surcharge. However, as indicated on the copy of the envelope in which the documents were submitted, these documents were accidentally submitted to an old PTO address that is no longer correct and these documents were therefore returned to sender as indicated on the copy of the envelope in which the documents were submitted.

In order to correct this error, Applicants hereby petition under 37 C.F.R. §1.378 and request that the Commissioner accept the maintenance fee payment of \$490 and surcharge fee of \$65 paid by the enclosed credit card payment form 2038 dated February 17, 2009 for Patent Number 6,858,241. Furthermore, Applicants hereby authorize the Commissioner to charge Deposit Account 19-1685 (Order # SK-3) any additional charges due for the submission and acceptance of this petition. A duplicate copy of this paper is being submitted herewith for fee processing purposes.

If any further information is required for this Petition, please contact Jay R Beyer at 303) 499-3859.

Respectfully submitted,



Jay R Beyer
Reg. No. 39,907

03/10/2009 DRLLEN 00000015 6858241

01-PC1539

490.00 00

1 of 1

AUG 05 2009

OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Kershman et al

Serial No: 09/912,219

Patent No. 6,858,241

Filed: July 25, 2001

For: FARINACEOUS SURFACE PRODUCT THAT IS
TOASTER REHEATABLE AND METHOD

Examiner: Thuy Tran Lien

Art Unit: 1761

Attorney Docket: SK

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MAR 11 2009

OFFICE OF PETITIONS

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Signed: 
Jay R. BeyerPETITION TO ACCEPT DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. §1.378

Director of USPTO
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, Virginia 22314

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If any further information is required for this Petition, please contact Jay R Beyer at 303) 499-3859.

Respectfully submitted,


Jay R Beyer
Reg. No. 39,907

1 of 1

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MAINTENANCE FEE TRANSMITTAL FORM

Address to:
U.S. Patent and Trademark Office
P.O. Box 371811
Pittsburgh, PA 15250-1811I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371811, Pittsburgh, PA 15250-1811" on 2/17/09Signature Jay R BeyerTyped or printed name Jay R Beyer

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. A duplicative copy of this form is enclosed.
3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 19-1685. A duplicative copy of this form is enclosed. Order # 5K-3
4. ☒ Payment by credit card. Form PTO-2038 is attached.

* Information required by 37 CFR 1.368(c) (columns 1 & 4). Information requested under 37 CFR 1.368(d) (columns 2, 3, & 5)

Item	Patent Number	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number (e.g., 06/555,555)	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	6,858,241	490 ⁰⁰	65 ⁰⁰	09/912,219	X		
2							
3							
4							
5							

Subtotal: Columns 2 & 3

490⁰⁰ 65⁰⁰

Total Payment

555⁰⁰☐ additional sheets attached for listing additional patents.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, "

Customer's Signature: Jay R BeyerCustomer's Name: Jay R BeyerTelephone: 303-499-3859Registration Number, if applicable: 39,907

Fax:

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.368. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371811, Pittsburgh, PA 15250-1811.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/5843 (12-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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P.O. Box 371811
Pittsburgh, PA 15250-1811

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Signature

Typed or printed name

Jay R Bayer

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. A duplicative copy of this form is enclosed.
3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 19-1685. A duplicative copy of this form is enclosed. Order # 5K-3
4. ☒ Payment by credit card. Form PTO-2038 is attached.

* Information required by 37 CFR 1.368(c) (columns 1 & 4). Information requested under 37 CFR 1.368(d) (columns 2, 3, & 5)

Item	Patent Number	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number (e.g., 08/355,555)	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	6,858,241	490 ⁰⁰	65 ⁰⁰	09/912,219	X		
2							
3							
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Subtotal: Columns 2 & 3

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Total Payment

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Respectfully submitted, "

Customer's Signature:

Customer's Name:

Telephone: 303-499-3859

Registration Number, if applicable: 39,907

Fax:

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 27 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)

Kershman et al)

Serial No: 09/912,219)

Patent No. 6,858,241)

Filed: July 25, 2001)

For: FARINACEOUS SURFACE PRODUCT THAT IS)
TOASTER REHEATABLE AND METHOD)

Examiner: Thuy Tran Lien

Art Unit: 1761

Attorney Docket: SK-3

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OFFICE OF PETITIONS

SMALL ENTITY ASSERTION

The owner, SMTM Group, LLC, of 100 percent interest in the above referenced application, US Patent Number US 6,858,241 B1, hereby asserts entitlement to small entity status for the above referenced patent.

If there are any questions regarding this Assertion, please direct calls to Jay R Beyer at 303) 499-3859.

Date: February 17, 2009
Jay R BeyerReg. No. 39,907

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OFFICE OF PETITIONS



WED 18 FEB 2009 10:11
Boulder, CO 80503-2922



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Boulder, CO 80503-2922

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United States PTO
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Pittsburgh, PA 15220-1611